

DEFENSE CHARGES STATE IS UNFAIR IN PROSECUTION

Alleges Political Plot Is Responsible for Present Magill-Bruner Trial.

OPENING ADDRESSES MADE

George W. Wood Scores Officials and Declares Them Guilty of Wholesale Corruption.

Attorneys C. E. Dietz, appearing for Lawrence M. Magill and S. R. Kenworthy for Oscar L. Bruner, occupied the entire time of the circuit court this forenoon in opening arguments in behalf of their clients. As soon as the jury box was filled with 12 men who are to decide the innocence or guilt of the sheriff and former state attorney, yesterday afternoon Special State's Attorney George W. Wood presented his case charging the defendants with the crime. The counsel for defense today refuted the charges and presented a statement of proof they intend to produce through witnesses of the falsity of the allegations.

Not to Call Johnson.

It is practically certain now, unless the defense takes the initiative, that Dr. G. F. Johnson of Los Angeles, Cal., former mayor of East Moline, will not be called to Rock Island to testify in the case. In the arguments last week over the bill of particulars the name of Dr. Johnson was brought in by the defense, as able to impeach the evidence of Adolph Vander Beke, East Moline saloonkeeper, alleged by the prosecution of accepting \$15 slush fund from East Moline saloon men, money said to have been turned over to Magill and Bruner. In consideration of this, it is claimed, information against Vander Beke in the county court was dismissed by Magill, then state's attorney.

Prosecutor Wood at that time said he would bring Johnson here on a writ and the defense could use him if they saw fit. Today, when questioned, he said there seemed no necessity for Johnson to appear as a witness in this trial. The defense has intimated it has no intention of calling Dr. Johnson's presence. He will come of his own free will, it is stated, when the joint case against he and Magill is called at a subsequent term of court.

Had Right to Dismiss.

Attorney Dietz, appearing for Magill, concluded his opening statements this morning and outlined the facts which he believes are sufficient evidence of the former state's attorney's innocence of the charges returned in the indictment. He traced in detail the various cases, particularly the Vander Beke, Billburg, Nell Hill and Choutski cases, to prove that dismissals by Magill of prosecution were proper in every way and would be proven by the evidence during the trial. The counsel cited the fact that during Magill's four years in the office of state's attorney a total of 3,300 criminal cases, complaints, informations or one kind and another, etc., had been docketed. Of these 135 were dismissed or nolle prossed for cause. "The state now comes in," declared Dietz, "with a scattering 10 or 15 of these cases in an attempt to prove a conspiracy. It is sufficient to say that in the evidence to be submitted here, it will be proven that not once did Magill ever dismiss a case, or as member of the bar of this county, handle a case, in which his conduct could be questioned. He acted to the best of his judgment and in strict accordance with the law."

The innocence of Sheriff O. L. Bruner of any attempt to enter into a conspiracy to corrupt the administration of justice was stoutly maintained by Attorney S. R. Kenworthy, his attorney, for two hours this morning. His arguments were not completed at noon, when the court took recess until 2 o'clock.

Plot Is Charged.

The counsel charged there was a deep political plot behind the prosecution of his case "hatched in committee rooms of the board of supervisors, the chairman and certain members of which had political ambitions which demanded the downfall of good hearted, whole souled 'Oscar Bruner.'" The names of George Richmond, chairman of the board, and active candidate for sheriff, and John Miller, deputy sheriff under Bruner, were repeatedly brought into play as consequential forces in the prosecution of the case.

It was evident from Kenworthy's opening statement that the defense will endeavor to secure acquittal for the defendants on the following grounds:

That there is a scandalous political movement in Rock Island county responsible for the prosecution of the case, and that it is satisfaction of private enemies toward the defendant and a plot to spell their political ruin, and not a desire to hold a fair investigation of alleged political corruption that has inspired the case.

That the state has presented 10 or 15 loosely connected cases on which to establish even faintest grounds for a conspiracy of such a nature as is charged is impossible; that they do not dovetail into one another to prove the point, as the state declares.

That the state will go wrong in endeavoring to cite alleged irregularities in the offices of Bruner and Magill, while serving the county, without any hearing on the charge in the indictment, this to be done in order to confuse the jury in returning a verdict on the basis of the one central

charge of conspiracy with certain intentions.

That it is true that Sheriff Bruner did receive certain money from certain prisoners, but always in a lawful manner and that where it was received as bail in order to secure releases for "humanitarian purposes" it was returned into the proper sources as soon as the law was satisfied.

That the administration of the state's attorney's office under L. M. Magill was above all suspicion as regards the proper settlement of cases, in behalf of the people, was concerned.

That the introduction of circumstantial evidence will bear but little weight in the proof of charges.

Battle Lines Tighten.

As soon yesterday afternoon as the selection of the 12 jurors had been completed and Judge Graves had ordered from the court room all witnesses in the case, for both the defense and the state, until after their testimony had been heard, the battle lines became noticeably tightened. With the exception of a 20-minute recess, from 3:25 to 3:45, the time of the court until adjournment at 5 o'clock was taken up with the opening statements of the opposing counsel. Special State's Attorney George W. Wood was given the first opportunity in behalf of the state, and the commencement of an answer to his accusations was made by Attorney C. E. Dietz, for the defense. Mr. Dietz was in the midst of his arguments when court adjourned, and he resumed and concluded his statement this morning.

It was a dark picture of corrupt official actions in the administration of justice by men chosen by the people to carry out the people's trust that was painted by the prosecutor, in stating the facts as he claimed them to be. He recited the 11 counts in the indictment returned by the January grand jury and elaborated in detail on the specific overt acts charged in establishing the conspiracy of which Oscar L. Bruner, sheriff, and Lawrence M. Magill during his incumbency of the office of state's attorney of Rock Island county, are said to have jointly entered into as a means of extorting money from prisoners for their release and using the processes of the courts to cover up and conceal the alleged illegal acts.

After reading the indictment, Prosecutor Wood took up the bill of particulars, in which he intended to set forth more complete information as to the dates on which the overt acts were alleged to have been committed. To the reading of the bill Attorney Kenworthy objected, and the objection was sustained by the court, who stated the bill did not concern the jury.

Summary of Charges.

A brief summary of the charges returned in the indictment which brought the two defendants to trial and on which the special state's attorney elaborated with more or less detail in setting up his claim that the conspiracy was illegally entered into involves these specific cases:

Nov. 15, 1912, Marie Colberg, alias Marie Lavern, convicted in county court and ordered to pay \$200 and costs, allowed to escape from county jail on payment of a promissory note for \$220.85 to Bruner by Marie and George E. Colberg.

Nov. 16, 1912, Oscar Benson, bound over to the grand jury under a larceny charge, permitted to escape from county jail, Magill refusing to present transcript in the case to the grand jury.

Nov. 18, 1912, Jacob O'Houtski, bound over to the grand jury, alleged to have secured freedom from county jail when Philip Dingeldein paid Sheriff Bruner \$50. But in order to escape detection, Nov. 30, Bruner is said to have returned the money.

Nov. 17, 1912, information was sworn out against Nellie Hill, charged with conducting a house of ill fame, but the sheriff is alleged to have held capias for 60 days, without serving same. Magill later dismissed the information.

Nov. 18, 1912, an information was sworn out against Maud Rush, charging her with being disorderly, but Magill refused to prosecute the case and later dismissed the case.

Information filed against Anthony W. Billburg, charged with running a gaming house, was dismissed by Magill, although he is alleged "to have known Billburg was guilty of the offense."

Nov. 17, 1912, information was filed against Adolph Vander Beke of East Moline, charging him with attempting to defraud the People's Power company by tampering with a meter registering electric current. While the case was still pending, Vander Beke is alleged to have acted as a go-between for the sheriff and former state's attorney and certain East Moline saloonkeeper and is said to have collected a "slush fund" of \$15 a month from each of the saloon men for the privilege of keeping their places of business open on Sundays. In consideration for this privilege, Magill is alleged to have dismissed the information against Vander Beke.

Nov. 20, 1912, an information was sworn out against Harry Manwaring, charging him with running a disorderly house. He is said to have given Bruner \$50 and a diamond ring valued at \$202 for his escape from jail, but that later in order to escape detection, Bruner is said to have given the ring back to Manwaring.

Nov. 24, 1912, Arthur Goodall, alias Arthur Gladhill, is alleged to have paid Bruner \$7 for his escape from jail.

Nov. 24, 1912, Millie C. Maxson is alleged to have given Bruner \$25 for the release of Frank and Willie Maxson from county jail. They were charged with assault with a deadly weapon.

Nov. 25, 1912, T. K. Stark, bound over to the grand jury for obtaining money under false pretenses, is alleged to have paid Bruner \$200 for his

NINE NABBED IN BLACK BELT RAID

Eight Women and One Man, All Colored, Apprehended by the Police and Tried.

ONE GIVEN HEAVY FINE

All but Owner of One of Three Places Visited by Officers Are Assessed but \$1 and Costs.

Eight women and one man, all colored, were arrested by the police last night in a raid made in the black belt. Detective Thomas Cox, Captain Lawrence Kramer and Officers Charles Ginnane, Rolly Berry and John Kinney made the arrests.

Three different houses were entered by the officers, one on Twenty-first street between Second and Third avenues, and the other two on Twenty-third streets, between Third and Fourth avenue.

Those apprehended gave their names as Alberta Casey, Anna McClellan, Emma De Lacey, Maggie Jones, Mrs. Charles Turner, Lillie Byrnes, Marjorie Gibson and Dorothy Brown. All of the women but the Brown woman, were fined \$1.00 and costs, it being alleged that she was the owner of one of the houses.

Man Stands Trial.

Charles Lovett, employed on a Burlington passenger, which travels between here and Beardstown and return each day, was arrested in the raid and stood trial.

He alleged that he had gone to the house on Twenty-first street, seeking a room and that he believed that he was in an orderly place. He was fined \$1 and costs also.

The McClellan woman and Marie Gibson are the two who came to this city, when a carnival minstrel company broke up and when the manager and his wife departed with the McClellan woman's trunk.

release from jail, Magill thereupon refusing to present the transcript to the grand jury.

Allege Conspiracy.

"We contend that these things charged could not have happened or have been successfully carried out unless there had been a clear understanding between these two men," declared Prosecutor Wood. "The circumstances and the proof of payments for improper releases will be submitted to you by the state. While they may not be direct evidence of a conspiracy or what was said, under the law of this state it is not necessary to prove an act of conversation to prove a conspiracy. It is enough for the jury to become convinced beyond all reasonable doubt that the circumstances have been proven to find the defendants guilty."

"We intend to prove that wherever there was a possibility of either of these men taking any money from prisoners charged with crime, the money was taken, these prisoners were turned loose and the wheels of justice clogged. There was a working agreement, a conspiracy, and it will be shown."

Attorney Wood advised the jury not to be guided by any charges the defense might make that it was a political move that brought Bruner and Magill to trial. He branded all such accusations as false.

Fiery Reply.

In a fiery answer to the special state's attorney, Attorney C. E. Dietz attacked this statement regarding a political motive behind the plans of the defense and declared that if there was any trace of such move, since the state had introduced the proposition, it was clearly opposing as a political plot by the opposing side.

"I don't believe and neither do you, gentlemen of the jury, that the liberties of a citizen," loudly declared Mr. Dietz, "can be taken away on the grounds of the suspicions of George W. Wood or Joseph L. Haas or any one else who may be in league with them or in espousal of any political cause."

"If there has been conspiracy committed, it is a conspiracy which has snatched from the officers duly elected by the people the control of the administration of justice and placed it in the hands of enemies to the two defendants here with the hope of darkening their reputations and damaging their political futures."

Suspicion Only.

Attorney Dietz alleged that the opening statements of the prosecutor proved the state had only vaguely collected a series of disconnected acts, all said to be illegal, committed sometime, they did not know when, and somewhere, they did not know where, and all claiming to point to a conspiracy to halt the processes of the court in this county. He doubted the efficacy of circumstantial evidence in a case of this nature, founded as he said, on suspicion only.

Before he finished for the afternoon the counsel for defense explained in detail to the jury the manner of procedure in filing informations against those charged with crime in justice and county courts, in an attempt to show that the state's attorney was within his legal rights in discharging many prisoners without bringing them to trial, especially after information had been filed in county court and the complainants refused to appear at the hearings. So he said, illegal acts charged against Magill were without a foundation. During the last year, Mr. Dietz said, Floyd E. Thompson, state's attorney, had dismissed 289 cases without trial.



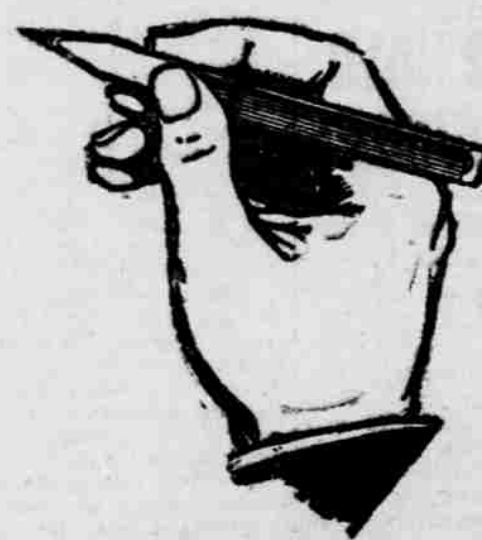
Radical Savings Are Due to Work of Reducing Pencil

Quality clothing at next-to-nothing prices is what you get during this great Reducing Pencil or Mid-Summer Clearing sale. And therein lies the chief advantage that this store has to offer. Next to nothing prices mean nothing if they buy you nothing. They mean much if they buy you clothing better than you can buy elsewhere for those prices, and they do here, especially NOW.

We're making this a wonderful sale. We're inducing lots of people to wear M. & K. clothes who

have always thought that inferior makes would suffice. We've taught them that quality clothing is the only kind to buy.

This Reducing Pencil sale is a monster one, the proportions of which are the result of active and energetic work on the part of the M. & K. Reducing Pencil. It's an inflexible rule of M. & K. to carry over nothing from one season to another, and that's one of the points that influences these slashing reductions.



Reducing Pencil Savings on Men's Suits

This is the greatest clothing sale of the season! The tri-cities' finest clothing mercilessly underpriced! A great many of the best made, perfect fitting, all wool, guaranteed - to - satisfy suits. Perfectly made by positively the best makers in the entire country.

Men's suits that have been selling all season for 15.00 and 16.50, now **10.95**

Men's suits that formerly sold for 18.00 and 20.00 are priced now at **13.95**

Regular 22.00 men's suits have been priced for this Reducing Pencil sale at **16.50**

Men's 25.00 and 28.00 suits specially priced for this sale at **18.75**

Reducing Pencil Marks Women's Pumps Cheaper

1.95 for Women's 2.50 Pumps
2.35 for Women's 3.00 Pumps
2.65 for Women's 3.50 Pumps
2.95 for Women's 4.00 Pumps
3.35 for Women's 4.50 Pumps
3.95 for Women's 5.00 Pumps

All women's tan pumps and oxfords are cheaper:

2.50 for 4.00 and 4.50 values
2.00 for 3.50 values
1.75 for 2.50 and 3.00 values



Reducing Pencil Among Men's Oxfords

2.35 for Men's 3.00 Oxfords
2.65 for Men's 3.50 Oxfords
2.95 for Men's 4.00 Oxfords
3.35 for Men's 4.50 Oxfords
3.95 for Men's 5.00 Oxfords
5.35 for Men's 6.50 and 7.00

celebrated Edwin Clapp Oxfords.

20% off on Boys' Oxfords, Misses' and Children's Slippers.

Reducing Pencil Prices Allow You to Save on Boys' Suits

Parents, if you are interested in getting a suit for your boy at prices that are actually unusual, come here NOW. In this sale are boys' suits that are worth many dollars more than we ask, in every instance.

2.95 for 3.95 Suits
3.95 for 5.00 Suits
3.95 for 5.85 Suits
3.95 for 6.50 Suits
4.85 for 7.90 Suits
6.66 for 8.90 Suits
6.66 for 10.00 Suits
8.88 for 12.00 Suits
9.90 for 15.00 Suits



Men's Shirts

.89 for 1.00 values
1.29 for 1.50 values
1.49 for 2.00 values
2.39 for 2.95 values
2.95 for 3.95 values
3.95 for 5.00 values



Boys' Shirts

50c values at 39c
1.00 values at 79c
1.50 values at 1.19



Boys' Waists

.50 values 39
1.00 values 79

Trousers

1.00 values 79
1.25 values 89
1.50 values 1.19
2.00 values 1.49



Men's Trousers

1.95 for 2.50 values
2.39 for 2.95 values
2.95 for 3.95 values
3.95 for 5.00 values
4.35 for 5.85 values

Men's Straw
Hats
One-Fourth
Less

M&K
Rock Island.

Men's
Panama Hats
Reduced
One-Fourth